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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,980	03/15/2000	Peter Newman	4467	9729

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EXAMINER

ENG, DAVID Y

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 07/14/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

B

Office Action Summary

Application No.

09/526,980

Applicant(s)

NEWMAN ET AL.

Examiner

DAVID Y. ENG

Art Unit

2155

①

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-3,5-7. 6) ☐ Other: _____

Art Unit: 2155

Claims 7-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It appears that user signals could not be from host server computers as recited in lines 7-8 of claim 7 because the system (the plurality of host server computers) is remote from the users. See recitations in the preamble. Rather, the user signals are remotely from users via a network. See Figure 6. The only circuits connected to the private servers are the multiplexer/demultiplexer which is further connected to a tunnel switch.

Applicants are requested to identify each of the components of claim 7 in the drawings under 37 CFR 1.83 (a). Applicants are further requested to correspond each of the independent claims to one of the figures.

Functions of the switching mechanism and the multiplexing/demultiplexing are vague and indefinite. Both the switching mechanism and the multiplexing/demultiplexing are recited for routing user signals to the host server computers. See claims 7, 10 for examples.

In line 7 of claim 10, there is no antecedent basis for "the network". Note that the term "network" in line 7 does not appear to be referring to the private network.

Scope of claim 13 is not clear. The preamble calls for a method for locating and managing private network services. However, the claim combination recites steps for receiving and routing transmission. No locating and managing private network services are seen.

Scope of claim 19 is not clear. The preamble recites a method for performing private network services using private addresses in a location remote from private network users. No such method is seen in the claim combination. Following the steps recited in claim 19 does not result in performing private network services using private addresses in a location remote from private network users. Structures or associations of the contents of the customer lookup table and the customer forwarding tables are not clear.

With respect to address overlap recited in the preamble of claims 19, 20, 24 and 31, Applicants probably mean addresses of the address spaces overlap and not the addresses overlap. Note that the system would not work if addresses overlap.

Scope of claim 20 is not clear. It is not clear what “a method for a private network to use private network services” means and how the sending and the receiving steps as recited would implement such a method.

Scope of claim 24 is not clear. Following the steps as recited in the claim combination does not result in creating software architecture as desired.

In claim 29, there is no functional relationship between the method steps. It is not seen how the method steps as recited could switch signals as recited.

In claim 31, no managing of virtual servers using overlap private addresses is seen in the method steps.

There is no functional relationship between the steps of dependent claims 32 and parent claims 31.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

Art Unit: 2155

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 29-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to disclose program codes for switching signals as recited in claims 29-30 and program codes for managing virtual servers as recited in claims 31-32.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramanathan (6,286,047) or Barrera ((6,247,057).

See at least the abstract (last 3 lines) and claim 11c in Ramanathan. See column 2, lines 10-12 and column 5, lines 1-3 in Barrera. Both Ramanathan and Barrera teach a system having a plurality of host computers executing a plurality of private virtual servers, each private virtual server associated with a private address space and providing private network services to a plurality of private network users located remotely from the private virtual servers. Multiplexing/demultiplexing is inherent in network system. See router 20, hub 18 and POP 16 in Ramanathan. It is also inherent

Art Unit: 2155

to assign a logical address space to each virtual server. It is further inherent that logical address spaces of devices such as private virtual servers are not overlap because otherwise it would not work. Neither Ramanathan nor Barrera teach that the system is for locating and managing private network services. It is the position of the examiner that since both Ramanathan and Barrera meet the limitations recited in the claim combination, the systems of both Ramanathan and Barrera can be used for locating and managing private network services.

A handwritten signature in black ink, appearing to read 'D. Y. Eng', with a stylized, flowing script.

DAVID Y. ENG
PRIMARY EXAMINER